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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,165	04/26/2000	Charles J. Burnett	10991753-1	1603

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EXAMINER

BARNIE, REXFORD N

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/559,165

Applicant(s)
BURNETT

Examiner
REXFORD BARNIE

Art Unit
2643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 22, 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-8, 10, 11, and 13-19 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-8, 10, 11, and 13-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 102(b).

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

R. W. Barnie
REXFORD BARNIE
PRIMARY EXAMINER

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-8, 10, 11 and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmus et al. (US Pat# 6,091,806) in view of Armistead et al. (US Pat# 6,553,117).

Regarding claims 1 and 7, Rasmus teaches a communication apparatus for communicating with telephony network comprising of a processor, an interface port, a D/A converter and so forth in (see figs and disclosure). Rasmus teaches being able to adjust impedance and also, utilizing a memory means as part of the structure but for the sake of argument, Armistead teaches a programmable multiple standard digital communication system wherein impedance can be adjusted to suit different communication format and being able to utilize means including memories such as RAM and so forth in (see cols. 2-3 line 11, col. 7 lines 25-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to ordinary skill in the art at the time the invention was made to incorporate

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the teaching of Armistead into that of Rasmus thus making it possible to control modem devices based on areas in which it would be use without having to buy adaptors and so forth.

Regarding claims 2, 4-6, 8 and 10, The combination teaches and render obvious all the claimed subject of being able to control impedances.

Regarding claim 11, see the explanation as set forth in the rejection of claim 1 in addition to the fact that impedance values or levels would be configured to suit a given area which can be selected by a user interface means.

Regarding claims 13-14, The combination teaches and render obvious all the claimed subject of being able to control impedances.

Regarding claim 15, see the explanation as set forth in the rejection of claim 1 because the claimed means would perform the method steps. Furthermore, the combination including being able to varying the voltages in (see col. 10).

Regarding claims 16-19, The combination teaches and render obvious all the claimed subject of being able to control impedances.

Response to Arguments

3. Applicant's arguments filed on 09/22/2003 have been fully considered but they are not persuasive.

The applicant argued that the combination fails to teach having a processor means which combines an impedance control value with data to be transmitted over a telephone line network.

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The examiner disagrees with the applicant because the combination teaches being able to solve problems associated with prior art by providing compatibility between one's computer device and a network by conforming or dynamically changing impedance values for receiving or transmitting signals in (see col. 1 lines 34-45 and disclosure of Rasmus). Note that the interface system would be connected to a computer such that one can receive or transmit information. Also, the combination including Armistead teaches being able to transmit data in a compatible format in addition with an impedance control value.

The applicant made some comments concerning the fact that the combination including Rasmus et al. Uses a Y-slope which the examiner does not disagree with the applicant, however, the combination refers to such a signal for modification purpose.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to REXFORD BARNIE whose telephone number is (703) 306-2744. The examiner can normally be reached on Monday through Friday from 8:30 to 6:00p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks

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Washington, D.C. 20231

or faxed to (703) 872-9314 and labeled accordingly (Please label **“PROPOSED/INFORMAL” or “FORMAL”**).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 306-0377.

Rexford Barnie
Patent Examiner
RB 11/22/03


REXFORD BARNIE
PRIMARY EXAMINER